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SUBJECT: SERBIA: TRAFFICKING IN PERSONS (TIP) REPORT

REF: 06 STATE 202745

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1. OVERVIEW  
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1A. Serbia is a country of origin, transit, and destination for internationally trafficked men, women, and children. The Agency for the Coordination of Protection of Victims of Trafficking recorded 62 TIP victims. Of these, there were 60 females and 2 males; 33 were minors. In the vast majority of cases, women and girls were trafficked for sexual exploitation; in some cases, children were trafficked into forced labor or street begging. In more than half of the cases (46 of 62), recruitment of victims and trafficking operations occurred completely within Serbia's borders; in most other cases, traffickers promised victims in Eastern Europe lucrative job opportunities in Western Europe via the Balkans. Government officials acknowledge that the actual number of victims is likely higher than its recorded statistics, as societal norms discourage many victims from reporting the crime. However, the Agency figures track generally with those reported by NGOs and are probably the most accurate tally available. As in previous years, women and children of poor economic means, orphans, and displaced persons were most at risk for trafficking.

1B. Following the trend noted in the last TIP report, the number of Serbian victims identified continued to increase. This year more than half of identified victims (46 of 62) were Serbian, and all but two were female. Other victims came from Macedonia (4), Ukraine (3), Moldova (3), Bosnia and Herzegovina (2), Bulgaria (2), Albania (1), and Romania (1). Unlike last year, there were no reports of non-European victims in Serbia. Serbia's political will to address trafficking is strong, given its limited resources to finance victim services, and it aims to become a leader in its region in implementing best practices.

Victims were often promised jobs as dancers, waitresses, or

sex workers but were not aware that they would be forced to work in substandard conditions or have their documents taken from them and be held against their will. In some cases, friends or family members took part in the trafficking scheme, facilitating contact between the traffickers and victims. Traffickers are increasingly utilizing Internet chat rooms and SMS messaging to recruit young people, promising modeling opportunities or other lucrative jobs. In some cases, traffickers use falsified documents.

¶C. The government has noticeably increased funding for its anti-trafficking programs. It has adequate funding for training of police and other government officials, and this year it committed further funds for educational prevention programs. However, the government relies on NGOs to provide services to victims of trafficking, including counseling, legal assistance, and reintegration programs. Even the government's Agency for Coordination of Protection of Victims in Trafficking has no budget of its own for anti-trafficking programs; it calls on NGOs and two affiliated shelters to provide services to victims. Despite this challenge, the National Coordinator is able to oversee all aspects of anti-trafficking programs, including coordination with NGOs, through regular meetings of the Anti-Trafficking Team and direct communication with NGOs. Although corruption is widespread in Serbia, the government's anti-trafficking apparatus is relatively efficient and committed to rooting out corruption.

¶D. The Anti-Trafficking Team, made up of government and non-governmental representatives, meets periodically to

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discuss developments in trafficking in persons. The team has working groups on: Prevention and Education, Victim Assistance, Law Enforcement, and Children. The Ministry of Interior also updates information about anti-trafficking efforts and makes it available to the public on its website, and the National Coordinator compiles yearly data on TIP investigations. Several officials have recently spoken publicly about the region's trafficking problem and shared information with their regional counterparts to coordinate regional anti-trafficking activities.

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¶2. PREVENTION  
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¶A. The government publicly acknowledges that TIP is a problem in Serbia. It supports anti-TIP educational programs in the public schools, funds anti-TIP efforts as noted, and maintains an informative website. President Tadic referred to the need to combat TIP in a major speech in 2006. Ministry of Interior officials have also frequently spoken out about trafficking issues.

¶B. The Anti-Trafficking Team (AT Team), headed by National Coordinator Dusan Zlokas, has the lead in anti-trafficking efforts. This team includes representatives from many government ministries (Interior; Justice; Foreign Affairs; Finance and Economy; Labor, Employment and Social Policy; and Education and Sports) as well as the government's Council for the Rights of the Child, NGOs, and international organizations. The organized crime police force includes a full-time trafficking unit, and the border police force has a full-time office to combat trafficking and alien smuggling. The government coordinates the protection of victims through the Agency for Coordination (located within the Ministry of Labor, Employment and Social Policy), which refers victims to appropriate governmental and NGO services.

¶C. The government has shown strong initiative in anti-trafficking information and education campaigns. It organizes TIP awareness programs in schools nationwide

(carried out by Beosupport and other NGO partners). The Ministry of Interior continues to utilize training videos produced in previous years for police and border officials and reports that law enforcement officials in other countries (including the FBI) have also used these videos for training.

Serbia was among the first in the region to implement the recommendations of the Council of Europe by airing four anti-trafficking public service announcements on Serbian National Television (RTS) throughout the soccer championship finals last summer. Serbian police announced they would be paying particular attention to soccer fans attempting to solicit prostitutes and to potential victims of human traffickers. Finally, the government earmarked 6 million dinars (roughly \$100,000) for a 13-episode television series entitled "Modern Slavery," devoted to generating awareness of TIP -- the government claims this is the first television series of this magnitude dedicated to TIP awareness in the world.

1D. The government promoted U.S.-sponsored training on domestic violence awareness and supported other NGO-sponsored programs. The Organization for Security and Cooperation in Europe (OSCE) sponsored programs and training on gender equality. The Anti-Trafficking Center (ATC) organized a nationwide event in April 2006, "Until Violence Stops," bringing in about 50 celebrities to speak on violence issues. The UNHCR coordinates with NGOs to provide trafficking awareness training to refugees and IDPs. Through its hotline, ASTRA fields calls on

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employment opportunities, counseling potential victims on the danger of trafficking schemes.

1E. The government, NGOs, and international organizations generally have good and cooperative relationships, freely exchanging information and participating in each other's training, meetings, and public events. The police, the Agency for Coordination, and the shelters work daily with one another to identify trafficking victims and refer them to the appropriate services. All work together on the national AT Team and in its four working groups. Unlike last year, the working groups met regularly during the year.

1F. Police and border guard training on TIP issues is extensive and has shown significant positive results. Serbian consular officers also monitor patterns for evidence of trafficking and screen for potential trafficking victims. This year, law enforcement officials recognized an increase in smuggling cases from Turkey, Dubai, and China and monitored them for any indication of trafficking; however, to date they have not discovered any such signs of trafficking.

1G. The AT Team, under the leadership of National Coordinator Dusan Zlokas, provides coordination among agencies on trafficking-related matters, through regular meetings and email communications. The team has four working groups (prevention and education, victim assistance, law enforcement, and children). The national coordinator serves as the single point of contact for all anti-trafficking efforts.

1H. The government adopted the National Strategy to Combat Trafficking in Persons on December 7, 2006. The government worked closely with the AT Team, including NGOs and relevant ministries, as well as with OSCE, throughout the year on multiple drafts of the strategy. However, it did not consult with NGOs on the final draft before it was submitted to parliament, and NGOs reported that they did not have copies of the final draft for several weeks after it passed. The strategy is now available on the government's website.

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13. INVESTIGATION AND PROSECUTION  
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1A. The criminal code for Serbia, which went into effect in January 2006, differentiates between trafficking in persons and smuggling. The article on trafficking in persons prohibits trafficking for both sexual and non-sexual exploitation, and covers both internal and external forms of trafficking. There is a separate article of the code prohibiting trafficking in children for the purposes of adoption, and yet another article prohibiting slavery. The new Constitution, adopted in October 2006, also includes two provisions that cite trafficking in persons and slavery as crimes.

1B. Under article 388 of the criminal code, the penalties are the same for sexual and non-sexual exploitation. The penalty for trafficking in persons is 2 to 10 years in prison; for trafficking minors, the penalty is a minimum of 3 years; if the act of trafficking resulted in death, the penalty is a minimum of 10 years; if it involved serious physical injury, the penalty is 3 to 15 years; if there were multiple acts of trafficking or if perpetrated by an organized group, the penalty is a minimum of 5 years. In cases of trafficking for adoption, if the victim is under 14 years old, the penalty is 1 to 15 years.

1C. Trafficking for the purposes of labor exploitation is

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covered under article 388, and penalties are the same as trafficking for sexual exploitation. However, there is a separate article (390) of the criminal code, which stipulates that whoever " puts someone in slavery relation or a relation similar to the slavery and keeps him/her in that position, whoever buys, sells or transfers such a person to somebody else, or whoever helps in purchase, sale or transfer of such a person, and whoever encourages someone to sell his freedom or freedom of the person he/she supports, shall be punished with imprisonment of one to ten years." The punishment for transporting someone held as a slave from one country to another is 6 months to 5 years, and for any of the above offenses committed against a minor, the punishment is 5 to 15 years.

1D. The penalties for rape are the same as those for trafficking in persons (2 to 10 years). The penalties for sexual abuse are 1 to 10 years.

1E. The prostitute's activities constitute a misdemeanor; facilitation of prostitution (i.e., the activities of brothel owners, operators, and pimps) is a criminal act. However, being a client of a prostitute is not an offense. The laws are generally enforced.

1F. During the year, the government filed 37 criminal charges against 84 people based on the criminal code's article 388 on trafficking in persons. Of the 37 total, 33 were cases of sexual exploitation, and 4 were labor exploitation. These charges include all aspects of trafficking, from recruiting, assisting in the transfer of victims, holding victims in servitude, using coercion or abuse, and withholding documents. Sentences tended to range from 2 to 5 years. In April 2006, traffickers in the Pancevo case were ordered to pay 320,000 dinars to compensate the victim for damages and 65,000 dinars for the victim's legal fees.

However, Serbia's problem of traffickers not serving their time persists. In the country's judiciary system across the board, defendants are given multiple opportunities to appeal the verdicts. Even after a verdict is confirmed by the Supreme Court, inefficient administrative procedures hold up the justice system, and it is not uncommon to see

indicted criminals free to walk the streets even years afterwards. Of the three high-profile prosecutions from previous years, one trafficker (Zarubica, originally sentenced in March 2004) has still not begun serving his sentence.

¶G. Traffickers tend to be part of small crime groups with international links. They operate amid the thriving black and gray markets in Serbia, where it is not uncommon to deal with employers or recruiters making under-the-table deals promising travel and work opportunities. Some trafficking cases from previous years showed ties to large organized crime groups ("Zarubica" case, "Pancevo" case, and "Dalmacija" case); however, there were no such cases this year. There is no evidence of government officials' involvement. There are no reliable reports of where trafficking profits are channeled.

¶H. The government actively investigates cases of trafficking. Since 2005, Serbian law allows for techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects. Intercepted phone calls and wire taps provided evidence for high-profile cases in previous years. In addition, as of January 1, 2006, the Serbian government implemented a victim/witness protection program, providing victims and witnesses undercover protection and allowing immunity for witnesses who testify in court.

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¶I. The government, mainly through NGO- and IO-sponsored programs, provides extensive training to police, prosecutors, judges, and other officials in how to recognize, investigate, and prosecute trafficking. In addition to the national Anti-Trafficking Team, every municipality is now required to have a two-person AT team (one police, one social welfare worker) to provide rapid response and assistance to possible victims of trafficking. NGOs reported improved cooperation with the local teams, especially in the northern province of Vojvodina.

¶J. The government continues to cooperate with all of its neighbors, including Bosnia and Herzegovina, Croatia, Hungary, Slovenia, Bulgaria, Romania, Greece, and Ukraine. The Serbian Embassy in Ukraine alerted officials to a trafficking scheme to recruit young women to marry Serbian men. Serbian authorities also worked with Croatian authorities to apprehend a German citizen in Dubrovnik on charges of trafficking, including the trafficking of a Serbian girl in Vranje.

¶K. The Constitution prohibits the extradition of Serbian nationals (even those with dual citizenship) except to the Hague Tribunal for war crimes. The Serbian government has no plan to modify its laws to permit extradition of its own nationals.

¶L. There is no evidence of government involvement in or tolerance of trafficking at any level. However, authorities still have not responded to more than 200 freedom of information requests filed in previous years in Novi Pazar where there are allegations of police complicity in a prostitution ring.

¶M. The Inspectorate General within the Ministry of Interior investigates cases against employees suspected of abusing their positions. In 2006, there were no complaints filed against any police officers or other Ministry of Interior employees for charges related to trafficking in persons.

¶N. We are not aware of any child sex tourism problems in Serbia.

¶O. The government signed, ratified, and implemented all five conventions as noted below:



--ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor: Ratified July 2003.

--ILO Convention 29 and 105 on Forced or Compulsory Labor: Ratified November 2000 and July 2003, respectively.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Child Pornography: Ratified July 2002.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime: Ratified September 2001.

-- Serbia also ratified the Trafficking Protocol, known as the Palermo Protocol, in June 2001.

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14. PROTECTION AND ASSISTANCE  
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1A. The government provides temporary residence permits for victims of trafficking free of charge. Since July 2005, the government gives free access to medical care to trafficking victims (both foreign and domestic). The

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government works closely with NGOs to ensure that victims receive adequate shelter, access to legal, and medical and psychological services. Unlike last year, there were no reports of facilities denying services to TIP victims. Serbia has two shelters for TIP victims; during the year, 33 TIP victims were accommodated there. Atina accommodated 16 victims in its transition house and provided reintegration activities to 44 women.

1B. The government pays the salaries of the two workers at the Agency for Coordination, but it has no funding for NGOs for services. The government relies on NGO and IO programs to provide services to trafficking victims.

1C. Because most of the trafficking in Serbia is for sexual exploitation, Serbian authorities have made at-risk services (night clubs, restaurants, discos, etc.) the focus of training for law enforcement. Consular and border officials are also trained to look for signs of trafficking in immigration cases.

The Agency for Coordination officially identifies victims and coordinates the provision of services from the government, NGOs, and IOs. Police, other NGOs, shelters, and SOS hotline operators work directly with the Agency for Coordination when they suspect they have a victim of trafficking in custody. Training of law enforcement officials on how to recognize trafficking victims has been extensive, and the NGOs report that in general authorities correctly identify and transfer victims to appropriate services.

1D. Generally, the rights of victims are respected; there is no longer a problem of victims being detained, jailed or deported, as extensive training has enabled police to identify potential trafficking victims. Although two NGOs expressed concern that potential TIP victims were being held in Padenska Skela, Belgrade detention center, other NGOs and the government said that they had visited the facility and found no reason to believe any detainees were TIP victims. Victims have not been prosecuted for violations of other laws, such as prostitution. Unlike previous years, there are no longer reports that judges in municipal courts have treated the victims like criminals or prostitutes. However, some courts have shown insensitivity to victims' hardship by scheduling the victims and accused

traffickers to testify on the same day, despite the victims' objections.

¶E. The government encourages victims to assist in the investigation and prosecution of trafficking, and facilitates this through its victim/witness protection program. Serbia also allows victims to file civil suits against their traffickers for compensation. Victims who are pursuing criminal or civil suits are entitled to temporary residence permits and may obtain other employment or leave the country pending trial proceedings. There is no restitution program.

¶F. The government provides protection through its victim/witness protection unit, officially implemented in 2006. Two shelters and many NGOs and IOs provide legal aid, medical care, psychological counseling, voluntary return assistance, reintegration programs, and other services. The government provides for free medical care for both foreign and domestic victims in Serbia. Child victims are placed in the same shelters as adult victims until foster care or other services can be arranged.

In one egregious case during the year, law enforcement returned a child TIP victim back to the family in Vranje that had trafficked her to a pedophile.

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¶G. The government provides specialized training for government officials (police, consular officers, social welfare workers) in recognizing trafficking and providing assistance to victims. Within the Anti-Trafficking Team, the working group on children is headed by the NGO Beosupport and meets regularly to plan programs addressing child victims of trafficking. Funding for these programs, however, is limited, and child victims are placed in shelters along with adults. During the year, Serbian officials participated in regional efforts to share information and coordinate anti-trafficking programs.

¶H. By law and in practice, domestic and foreign victims of trafficking can receive free medical assistance. NGOs provide victims with shelter, medical treatment, psychological counseling and reintegration assistance.

¶I. The Counseling Center Against Family Violence runs a shelter for foreign TIP victims. Atina runs a shelter/transition house for domestic TIP victims. ASTRA runs a TIP hotline that receives calls from victims (it fielded nearly 2,000 calls in 2006) and provides legal, medical, psychological and other support. The Victimology Society of Serbia has a victim support service that offers all victims of crime emotional support, information on their rights and on services available in Belgrade where they can get specialized support, and refers victims to such organizations/institutions. IOM manages returns and repatriations, has a reintegration program, provides a doctor for TIP victim care, and funds legal assistance for victims. The government works with all of these organizations to coordinate assistance for TIP victims.

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¶5. SUMMARY/COMMENT  
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Serbia took last year's TIP assessment very seriously and carried out several changes to improve anti-TIP efforts. The government passed a comprehensive National Strategy, earmarked roughly \$100,000 for an educational television series aimed at preventing TIP, and continued training efforts at the national and local levels. The temporary residence permits assisted victims in testifying against their traffickers and reintegrating into Serbia if they wished. There were no high-profile prosecutions this year; however, the government progressed steadily in prosecuting

TIP cases (37 charges against 84 people). The government also continued to improve coordination with NGOs and IOs. We recommend that the TIP report acknowledge these positive steps.

In terms of areas for improvement, trials tend to be lengthy (1-3 years), and the inefficient judiciary system allows traffickers multiple appeals and in some cases several years of freedom before serving out their sentences. In addition, Serbia continues to use outdated passports and IDs lacking sufficient security measures; its plans to update both in the near future will help make trafficking more difficult.

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MOORE